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Fifth minority district excluded from new plan

Albany County lawmakers OK redistricting maps amid threats of lawsuit

By CAROL DEMARE Staff writer

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ALBANY -- At issue was a fifth minority district for the county Legislature's new reapportionment plan, a suggestion supported by many. But in the end the vote Monday night was in favor of sticking with the plan that has four predominantly minority districts and a new suburban district.

The vote was 22-14 to approve the new maps submitted by the Redistricting Commission. Republicans voted solidly for the new lines on the advice of minority counsel Thomas Marcelle who attended commission meetings and studied the new 39 districts that comprise the Legislature.

Democrats split their vote, led by Majority Leader Frank Commisso who said he would vote against the plan just as the tally was about to be taken.

"It's a convincing argument," Commisso said of adding a fifth minority district. "I feel compelled that we take a look at it a little bit harder."

The new reapportionment maps added a fourth minority district -- currently there are three. Based on the 2010 census, the commission added a fourth to reflect an increase in the black and Hispanic population.

But civil rights activist Aaron Mair, who has been involved in reapportionment for three decades, tried to convince lawmakers Monday to do justice to the census and add a fifth district. He displayed his map, saying, "It's doable."

He also said his plan is "court ready," a threat he may sue the county over the reapportionment. Mair, along with Anne Pope, regional director of the National Association for the Advancement of Colored People, were successful in a civil rights federal lawsuit filed over complaints that the last redistricting effort 10 years ago failed to accurately represent minority neighborhoods.

Mair said his five districts -- all of which have a black and hispanic population close to 70 percent -- are "contained within the riverfront area of Albany. His districts would number 1,2,3,4 and 6.

Pope put it succinctly: "If you want to avoid a challenge, it behooves you to look at your plan and get it in compliance" with the Voting Rights Act of 1965. "We known that we've grown enough to have five majority minority districts, if not six."

After listening to the public urge lawmakers to vote down the commission's maps, the Democratic majority adjourned to a contentious caucus. Cohoes Lawmaker Shawn Morse, chairman of the commission, defended its work and pointed to John Merrill who assisted the commission with the maps.

Merrill, a retired county employee who had worked in the planning department, said he could come up with "four good districts, four good neighborhoods." To make a fifth minority district would be "gerrymandering," he said.

Several legislators wanted to have the commission go back and restudy the plan, but if the lines were redrawn, it would require another public hearing which would have to be advertised. It couldn't get done by June 7, the start of petitioning by candidates, said William Conboy, counsel to the majority.

"I think we're looking at a lawsuit if you don't have five minority districts," Albany Legislator Douglas Bullock said.

Cohoes Democrat Gil Ethier suggested skipping a new public hearing, just redraw the lines to add the fifth district and be done with it.

Others talked about starting their petition drives after June 7. But, Colonie Democrat Phil Steck reminded his colleagues they must follow state law regarding the election calendar.

"Aaron's plan is far from assured of being a legally appropriate plan," Steck said, adding he was bothered by what appeared to be a "spider district," with lines reaching out.

Before the vote Sandy Gordon of Berne said "Tonight we have a chance to vote for the integrity of this body" and vote down the maps. Latham Democrat Tim Nichols said lawmakers should "take the time to get it right."

Lucille McKnight, who represents Albany's South End neighborhood said Mair presented "a noble hint of what it could be like." She urged her colleagues to "do the right thing" and vote it down.

Willingham said, "If we vote in favor of this plan, it would not be justice for all."

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